

Message Text

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PAGE 01 STATE 063508

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ORIGIN ARA-10

INFO OCT-01 ISO-00 L-02 OES-03 OFA-01 H-02 INT-05 SSO-00

INRE-00 CIAE-00 INR-07 NSAE-00 DODE-00 CG-00 DOTE-00

COME-00 SCS-03 /034 R

DRAFTED BY ARA-LA/E: WSCLARKE:GFH

APPROVED BY ARA-LA/EP - JOHN KING

L/C - RHENDERSON (INFO)

NFMS - RWILSON (INFO)

OES/OFA - BHALLMAN (SUBS)

ARA/MGT - CPARROTT (INFO)

H - JMACKENZIE (SUBS)

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O 202124Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY QUITO IMMEDIATE

INFO AMCONSUL GUAYAQUIL IMMEDIATE

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E.O. 11652: N/A

TAGS: PFOR, EFIS, CASC, EC, US

SUBJECT: NEPTUNE INCIDENT

1. IN MARCH 19 HEARING BEFORE SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT, CAPTAIN JOHN BURICH OF THE NEPTUNE PRESENTED HIS DESCRIPTION INCIDENT WHICH OCCURRED ON HIS VESSEL 6 MARCH. HIS TESTIMONY, MADE WITHOUT FORMAL STATEMENT OR NOTES, DID NOT VARY TO ANY SIGNIFICANT DEGREE FROM FACTS INDICATED IN HIS NOTARIZED STATEMENT MADE BEFORE CONSUL IRA LEVY ON MARCH 8, WHICH HAS BEEN RECEIVED BY DEPARTMENT.

2. BURICH MADE SEVERAL LAUDATORY COMMENTS ABOUT
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PAGE 02 STATE 063508

ACTIVITIES OF AMERICAN CONSULAR AND DIPLOMATIC EMPLOYEES

ON THE SCENE. HE SINGLED OUT BRAVERY OF CONSUL GENERAL DEWITT, TO WHOM HE SAID THAT HE AND THE CREWMEN OF THE NEPTUNE OWE THEIR LIVES, AND HE COMPLIMENTED CONSUL LEVY AND OTHERS. SUPCOMMTTEE MEMBER EMERY SAID LETTER OF SPECIAL COMMENDATION ON DEWITT'S PERFORMANCE SHOULD BE ENTERED INTO COMMITTEE RECORD. DEPARTMENT WILL POUCH BURICH AND RELATED TESTIMONY, WHEN AVAILABLE.

3. SUBCOMMITTEE CHAIRMAN LEGGETT ASKED STATE DEPARTMENT

OFFICIAL ATTENDING HEARING TO REPORT RESULTS OF OUR INVESTIGATION OF INCIDENT TO SUBCOMMITTEE WITHIN TWO WEEKS. WRITTEN REPORT SHOULD INCLUDE DETAILS ABOUT PERSONAL PROPERTY CLAIMS MADE BY CREWMEN, WHICH THE CHAIRMAN INDICATED HE BELIEVES ARE REIMBURSEABLE UNDER FPA. WE SEE NO PARTICULAR DIFFICULTIES IN PROVIDING INFORMATION TO BE RESPONSIVE TO REQUEST; HOWEVER, AT PRESENT TIME ANSWERS TO A FEW QUESTIONS RELATING TO EVENTS LEADING UP TO ARREST OF THE CREW ARE NEEDED BY THE DEPARTMENT IN ORDER TO ROUND OUT OUR UNDERSTANDING OF THE MATTER;

A. IN HIS PRESENTATION, CAPT. BURICH SAID HE SHOWED NO CURIOSITY AT THE TIME RE EARLY MORNING MARCH 6 CONFRONTATION OR CONFRONTATIONS ON HIS VESSEL; HIS TESTIMONY INDICATED HE HAD ONLY FRAGMENTARY KNOWLEDGE ABOUT THEM. THEREFORE, DEPT. STILL HAS NO CLEAR IDEA OF WHAT MAY HAVE HAPPENED TO PROVOKE ECUADOREAN NAVY ASSAULT ON NEPTUNE. WE HAVE, OF COURSE, GOE STATEMENT SINGLING OUT TWO NEPTUNE CREW MEMBERS WHO ATTACKED GUARDS ON BOARD AS CAUSE OF FRACAS. WHAT, FOR EXAMPLE, WAS ROLE OF FIRST MATE LARKINS IN EVENTS LEADING TO ASSAULT? OF BASE COMMANDER GALARZA? HOW DID ECUADOREAN GUARD GET BROKEN TOOTH? WERE DAMAGES TO UNIFORMS, ETC. INCURRED IN INITIAL DISPUTE WITH LARKINS OR IN SUBSEQUENT BOARDING AT 1130?

B. DID LARKINS MAKE A FORMAL STATEMENT TO CONSULAR OFFICERS? WAS HE PROVIDED OPPORTUNITY TO DO SO, OR DID HIS IMPRISONMENT PREVENT SUCH A STATEMENT FROM LIMITED OFFICIAL USE

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PAGE 03 STATE 063508

BEING TAKEN? DID HIS TESTIMONY BEFORE NAVAL AUTHORITIES ON MARCH 7 DIFFER FROM THE STATEMENT OF EVENTS MADE BY DON BYRD TO THOSE SAME AUTHORITIES AS WELL AS THE STATEMENT HE MADE TO LEVY ON MARCH 8? IS THERE ANY WAY WE COULD OBTAIN COPIES OF STATEMENTS MADE BY LARKINS AND THE BYRDS BEFORE THE GOE NAVAL TRIBUNAL ON MARCH 7?

C. HAS SGT. ROSARIO MADE A STATEMENT FOR THE

RECORD OF HIS EYEWITNESS VIEWS OF THE EVENTS OF MARCH 6?

4. IN ORDER TO COMPLETE RECORD FOR PAYMENTS UNDER FPA, CONSULATE GENERAL SHOULD RAPIDLY SUBMIT DOCUMENTATION TO DEPARTMENT, AS REQUIRED UNDER 7 FAM 566.4-4, INCLUDING, BUT NOT LIMITED TO, ALL RECORDS OF HEARINGS CONDUCTED BY GOE AUTHORITIES RESULTING IN FINES, FEES, CONFISCATION OR OTHER PENALTIES.

5. DEPARTMENT HAS NOT YET RECEIVED WEIGH-OUT BY SPECIES OF TUNA CONFISCATED FROM JACQUELINE A.

6. DEPARTMENT WOULD APPRECIATE NAMES OF ALL USG PERSONNEL WHO WERE STATIONED AT SALINAS AND MANTA DURING COURSE OF TUNA CLIPPER SEIZURES, GENERAL DESCRIPTION OF DUTIES AND NUMBER OF DAYS ON DUTY. UNLESS POSTS HAVE ANY OBJECTIONS, WE WOULD LIKE TO SUBMIT THIS INFORMATION TO SUBCOMMITTEE AS PART OF OFFICIAL REPORT OF INCIDENT. INFO WILL ALSO BE USED BY DEPARTMENT ALONG WITH ANY DATA EMB/CON GEN WISH TO SUBMIT IN DETERMINING APPROPRIATE RECOGNITION OF YOUR EFFORTS IN THIS AFFAIR.

7. DEPARTMENT WOULD PREFER ALL INFORMATION SUBMITTED, EXCEPT PERHAPS FOR JUDGMENTS OF ACTIONS BY GALARZA OR HIGH ECUADOREAN OFFICIALS, TO BE UNCLASSIFIED.

8. COLLATERAL MATTER: AMBASSADOR CARDENAS CALLED ARA/EP THIS MORNING TO SAY HE HAD REPORT FROM FONOFF DETAILING WHAT WAS SAID TO BE QUOTE AGREEMENT UNQUOTE BETWEEN CG ECUADOREAN NAVY AND NAVATT RALPH TO DROP RECIPROCAL CLAIMS GROWING OUT OF MARCH 6 NEPTUNE INCIDENT. CARDENAS WAS TOLD DEPT WOULD SEEK EMPASSY LIMITED OFFICIAL USE

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PAGE 04 STATE 063508

CLARIFICATION OF THIS REPORT, WHICH WE HAD NOT HEARD BEFORE. HE WAS TOLD DEPARTMENT'S UNDERSTANDING WAS THAT EC NAVY CLAIMS (AS SET FORTH IN QUOTE ACTA UNQUOTE SIGNED BY CON GEN DEWITT) WERE SATISFIED BY PAYMENT MADE BY MATE LARKINS WHEN HE WAS SENTENCED MARCH 7. CLARIFICATION FROM EMBASSY WOULD BE WELCOME. INGERSOLL

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